

DECEMBER 14, 2007

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

07 C 7052

ANGELA BERTHOLD,)	
)	
Plaintiff,)	
)	
vs.)	No.
)	
LEADING EDGE RECOVERY)	
SOLUTIONS, LLC.,)	
)	
Defendant.)	

JUDGE GOTTSCHALL
MAGISTRATE JUDGE NOLAN

COMPLAINT

NOW COMES the Plaintiff, ANGELA BERTHOLD, by and through her attorneys, LARRY P. SMITH & ASSOCIATES, LTD., complaining against the Defendant, LEADING EDGE RECOVERY SOLUTIONS, LLC, and alleging as follows:

PRELIMINARY STATEMENT

1. This is an action for actual and statutory damages for violations of the Fair Debt Collection Practices Act (hereafter the "FDCPA"), 15 U.S.C. § 1692 et seq.

JURISDICTION AND VENUE

2. Jurisdiction arises under the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq.

PARTIES

3. Plaintiff, Angela Berthold ("Plaintiff"), is an individual who was at all relevant times residing in the City of Bartlesville, State of Oklahoma.

4. At all relevant times herein, Defendant, Leading Edge Recovery Solutions, LLC ("Defendant") acted as a debt collector within the meaning of 15 U.S.C. § 1692a(6) in that it held itself out to be a company collecting a debt allegedly owed to LVNV Funding, LLC.

5. Defendant is a corporation that has its principal place of business and its offices located in the State of Illinois.

ALLEGATIONS
COUNT I
VIOLATIONS OF THE FDCPA v. LEADING EDGE RECOVERY SOLUTIONS, LLC

6. On November 24, 2007, Plaintiff received an initial debt collection letter dated, November 20, 2007, from Defendant attempting to collect a debt allegedly owed to LVNV Funding, LLC in the amount of \$2,123.01.

7. On November 26, 2007, Plaintiff had three missed calls on her cellular phone and a message stating Plaintiff must return the call to Defendant by 8:00 p.m. that evening to prevent further “major action” taken against her.

8. When Plaintiff arrived home later that same day, she received a similar message on her home telephone stating she must return Defendant’s call by 8:00 p.m. to protect her future.

9. Plaintiff returned the telephone call and spoke with a representative of Defendant who stated that he was a debt collector and the call was placed as a courtesy to let Plaintiff know Defendant would file a lawsuit against her and she would go to jail if Plaintiff did not pay the debt in full.

10. Plaintiff was subsequently transferred to a manager who told her that her only two choices were to pay in full or make three payment of \$700 in an effort to prevent going to jail.

11. Defendant further stated that Plaintiff needed to take out a loan to pay off the debt and provided Plaintiff with the name and number of a finance company.

12. Defendant has continued to place repeated telephone calls to Plaintiff in an effort to collect the alleged debt.

13. In its attempts to collect the aforementioned debt, the Defendant violated the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 in one or more of the following ways:

- a. Represented or implied that nonpayment of any debt will result in the arrest or imprisonment of any person or the seizure, garnishment, attachment, or sale of any property or wages of any person unless such action is lawful and the debt collector or creditor intends to take such action in 15 U.S.C. § 1692e(4);
- b. Threatened to take any action that cannot legally be taken or that is not intended to be taken in violation of 15 U.S.C. § 1692e(5);
- c. Falsely represented or implied that the consumer committed any crime or other conduct in order to disgrace the consumer in violation of 15 U.S.C. § 1692e(7); and
- d. Used any false representation or deceptive means to collect or attempt to collect any debt or to obtain information concerning a consumer in violation of 15 U.S.C. § 1692e(10).

14. As a result of Defendant's violations as aforesaid, Plaintiff suffered and continues to suffer personal humiliation, embarrassment, mental anguish and emotional distress.

WHEREFORE, Plaintiff, ANGELA BERTHOLD, by and through her attorneys, respectfully prays for judgment as follows:

- a. All actual compensatory damages suffered;
- b. Statutory damages of \$1,000.00 for Plaintiff;
- c. Plaintiff's attorneys' fees and costs;
- d. Any other relief deemed appropriate by this Honorable Court.

*****PLAINTIFF REQUESTS A TRIAL BY JURY*****

Respectfully Submitted,
ANGELA BERTHOLD

By: s/Larry P. Smith
Attorney for Plaintiff

LARRY P. SMITH & ASSOCIATES, LTD.
Attorneys for Plaintiff
205 North Michigan Avenue
40TH Floor
Chicago, Illinois 60601
Ph (312) 222-9028
Fax (312) 602-3911